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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,210	12/22/2003	Robert Thomas Dzikowicz	101221-688	7628
27387	7590	08/09/2005	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			LEE, RIP A	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,210

Applicant(s)

DZIKOWICZ, ROBERT THOMAS

Examiner

Rip A. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 14 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action follows a response filed on June 20, 2005. Applicants have amended claims 7, 15, and 19. Claims 1-6 were canceled, and new claims 21-26 were added. Claims 7-26 are pending. The indicated allowability of claim 19 is withdrawn in view of a newly discovered reference, Urabe *et al.* (JP 55-144037), cited below.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 7-12, 15-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain *et al.* (GB 1,185,896) in view of Wang *et al.* (U.S. 6,828,387).

Cain *et al.* discloses a formulation comprised of 100 pw of natural rubber latex, 1 pw of zinc diethyl dithiocarbamate, 1 pw of thiourea, 1 pw of zinc mercaptobenzothiazole, and 3 pw of tetramethyl thiuram disulfide (Table 11, entry L). The composition is cured at 100 °C for 30 minutes. The rubber compositions of the invention are used for making rubber gloves (col. 3, line 60). The patent does not indicate use of synthetic polyisoprene latex.

Wang *et al.* teaches that use of natural rubber latex in the manufacture of rubber gloves has been associated with disadvantageous properties such as allergic reactions caused by proteins in the natural rubber (col. 1, lines 41-45). In this connection, commercially available gloves are prepared from synthetic polyisoprene as an alternative to natural rubber to obviate the aforementioned problems. Polyisoprene is the substitute of choice because it is chemically similar to natural rubber and has desirable physical properties (col. 1, lines 52-62).

One of ordinary skill in the art in making rubber gloves would have found it obvious to use synthetic polyisoprene latex, as described in Wang *et al.*, in place of the natural rubber formulation in Cain *et al.* because substitution of natural rubber with synthetic polyisoprene is taught in the prior art. One of ordinary skill in the art would be motivated to do so in order make a glove that is not allergenic.

Regarding the tensile strength, one of ordinary skill in the art would have found it obvious to expect the modified product to exhibit the recited properties, especially in view of the fact that the polyisoprene would be cured with essentially the same combination of accelerators at essentially the same cure conditions. Since the PTO can not perform experiments, the burden is shifted to the Applicants to establish an unobviousness difference. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990).

3. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain *et al.* in view of Wang *et al.* as applied to claims 7-12, 15-18, and 20-25 above, and further in view of Urabe *et al.* (JP 55-144037).

Cain *et al.* does not disclose the type of thiourea used in Table 11. Urabe *et al.* teaches a method for vulcanizing natural rubber in the presence of thiourea vulcanization accelerator (claim 1), and this class of compound includes dibutylthiourea (see page 4 of translated article). One of ordinary skill in the art would have found it obvious to use dibutylthiourea as the thiourea component in the process disclosed in Cain *et al.* because one having ordinary skill in the art would have expected this species within the genus of thiourea accelerants to work effectively as a vulcanization accelerator.

4. Claims 14 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The subject matter of these claims is not disclosed in Cain *et al.* because the cited example contains tetramethyl thiuram disulfide. One of ordinary skill in the art would not have found it obvious to remove this component from the process disclosed in the patent.

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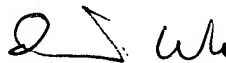
5. The rejection of claims under 35 U.S.C 102 (Watanabe *et al.*, Cain *et al.*, Crepeau *et al.*, and Saks *et al.*) and 35 U.S.C 103(a) (Saks *et al.* in view of Wang *et al.*), set forth in the previous office action, has been overcome by amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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August 1, 2005



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